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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO BRANCH**

16 MEGAN SHEEHAN,

Case No. C14-03156 LB

17 Plaintiff,

18 **UPDATED JOINT CASE MANAGEMENT  
19 CONFERENCE STATEMENT AND  
[PROPOSED] ORDER**

20 BAY AREA RAPID TRANSIT, NOLAN  
21 PIANTA, CITY OF OAKLAND, MICHAEL  
22 STOLZMAN, and DOES 1-20, inclusive.

Date: May 28, 2015  
Time: 11: 00 a.m.  
Dept: 15<sup>th</sup> Fl. Crtrm. C

23 Defendants.

24 Plaintiff Megan Sheehan, and defendants BART and Nolan Pianta, through counsel,  
25 jointly submit this updated Case Management Conference Statement only providing updates and  
26 not repeating what has already been submitted. Other than the topics listed herein, plaintiff is not  
27 aware of any changes to the previous CMC statement filings. The parties propose that the Court  
28 set a case-management conference after the new parties (City of Oakland and Michael Stolzman)

1 appear to finalize the litigation schedule. However, to comply with the Court's order, the parties  
 2 provide a proposed schedule as well as updates as requested herein.

3 **1. PROPOSED SCHEDULING**

4 <b>Case Event</b>	5 <b>Filing Date/Disclosure Deadline/Hearing Date</b>
6 Further Case Management Conference	7 Late June 2015
7 ADR completion date	8 TBD
8 Non-expert discovery completion date	9 9/7/15
9 Expert disclosures required by Federal Rules of Civil Procedure	10 10/7/15
10 Rebuttal expert disclosures	11 10/21/15
11 Expert discovery completion date	12 11/21/15
12 Last hearing date for dispositive motions and/or further case management conference	13 Mid-January 2016
13 Meet and confer re pretrial filings	14 Mid-February 2016
14 Pretrial filings due	15 Early March 2016
15 Oppositions, Objections, Exhibits, and Depo Designations due	16 Mid-March
16 Final Pretrial Conference	17 Early April 2016
17 Trial	18 Mid-April 2016
18 Length of Trial	19 5 days

20 **II. FACTS**

21 **Updates to Plaintiff's Contentions:**

22 Plaintiff's understanding of the facts was recently enhanced by the defendant's disclosure  
 23 of a body-camera video by Oakland Police Department Officer Joel Hight.

24 Hight's video depicted the take down which caused Megan Sheehan's injuries. It shows  
 25 that Nolan Pianta was not the only officer who participated in this use of force. Instead, when  
 26 Pianta threw Sheehan to the ground holding one of her hands behind her back, an Oakland Police  
 27 Officer also held her other hand behind her back as she was "guided" to the floor, face first.

1 Plaintiff sought and obtained permission to file a Third Amended Complaint which has  
2 been filed. The pleading named two new defendants, the City of Oakland and Michael Stolzman.  
3 The amended pleading was served on Monday May 18, 2015.

4 **Updates Defendant's Contentions:**

5 **The principal factual issues in dispute according to the Defendant are:**

- 6 1. Whether plaintiff was publicly intoxicated;
- 7 2. Whether plaintiff acted confrontationally towards and resisted Officers  
8 Tarabanino, Carrasco and Pianta;
- 9 3. Whether Officer Pianta was justified in using force to defend himself against  
10 plaintiff's aggressive, belligerent and hostile conduct;
- 11 4. Whether the BART Police Dept. has adequate training and a pattern and policy of  
12 unconstitutional conduct;
- 13 5. Whether plaintiff was lawfully arrested;
- 14 6. Whether there was excessive force or is defendant entitled to qualified immunity;
- 15 7. The nature and extent of plaintiff's damages.

16 **III. MOTIONS**

17 Plaintiff may have to file a motion relating to BART's improper designation that all video  
18 recordings in this case, the lion's share of which were disclosed pursuant to FRCP 26 and  
19 identified as non-privileged, are subject to the Protective Order. Plaintiff may also have to bring a  
20 motion to permit her re-examination of Nolan Pianta in deposition relating to the evidence in the  
21 Hight video, if defendant refuses to permit this deposition be reconvened after the new parties  
22 have appeared in the case.

23 Defendant may file a Motion for Summary Judgment in this matter.

24 **IV. AMENDMENT OF PLEADINGS**

25 Plaintiff does not anticipate needing any additional amendments.

26 **V. SETTLEMENT AND ADR**

27 The parties participated in an ENE conference on April 21, 2015 which did not resolve  
28 the case.

1 Dated: May 21, 2015

Respectfully submitted,

2 SCOTT LAW FIRM

3 By: /s/Lizabeth N. de Vries

Lizabeth N. de Vries, Esq.

4 Attorney for Plaintiff

5 Dated: May 21, 2015

EDRINGTON, SCHIRMER & MURPHY LLP

6 By: /s/Owen T. Rooney

7 Owen T. Rooney

8 Attorney for BART

9 **CASE MANAGEMENT ORDER**

10 The above JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER is  
11 approved as the Case Management Order for this case and all parties shall comply with its  
12 provisions.

13  
14 IT IS SO ORDERED.

15  
16 Dated:

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17  
18 THE HONORABLE LAUREL BEELER  
19 UNITED STATES DISTRICT COURT  
20 MAGISTRATE JUDGE  
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